



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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Heavily Drugged Driver Sentenced in DUI Case *Chula Vista man who veered across I-8 had heroin, meth in his system*

A Chula Vista man, whose vehicle twice veered across the width of Interstate 8 and then slammed into a truck, was sentenced yesterday for Drugged Driving in a case in which heroin, methamphetamine, narcotic analgesics and benzodiazepines were all found in his blood system.

Prosecuting the case posed a number of challenges for Deputy City Attorney Taylor Garrot, who had to help the jury sort through a number of potential causes for the defendant's erratic driving. Illicit drugs and doctor-prescribed drugs figured into the driver's impairment, while the defense argued that underlying medical conditions were actually responsible.

Not long ago, such cases were rarely brought to trial -- unless the driver was also a drunk driver, legally under the influence of alcohol.

However, Garrot is bringing new expertise to prosecuting Drugged Driving cases as the result of a federally funded grant administered by the California Office of Traffic Safety.

Garrot has successfully prosecuted cases in which drivers were under the influence of such drugs as methamphetamine and cocaine; painkillers such as ketamine, antidepressants such as Seroquel; opiates, including morphine, codeine, heroin and hydrocodone; and benzodiazepines, such as Ativan, Valium and Xanax.

"In younger drivers, marijuana is the most common drug found in impaired drivers," Garrot said. "But for drivers over 40, the biggest problems are doctor-prescribed medications that a motorist may have been using for years and falsely believes do not affect driving skills."

During the three-month quarter ending April 30, Garrot won drug-only DUI convictions in 26 cases and drug-and-alcohol DUI convictions in three others. Drug-and-alcohol DUI convictions are ones in which the driver's Blood Alcohol Content was below .08, but the combination of drugs and alcohol (for instance, a .06 BAC in combination with Xanax) led to legally impaired driving.

In this latest case, the driver was travelling eastbound on Interstate 8 at about noon on July 13, 2013, when his vehicle suddenly swerved from the far right lane into the center divider, striking a guard rail and then veering back to the right on the freeway shoulder. From there, it swung back into traffic and sideswiped a box truck,

eventually coming to a rest in the ice plant on the freeway shoulder, completely disabled. The driver was so impaired that he did not realize his vehicle was un-drivable.

The driver, whom witnesses described as looking dazed while behind the wheel, displayed symptoms of intoxication such as slurred speech and was sent to the hospital for evaluation. After being observed by a California Highway Patrol credentialed as a Drug Recognition Expert, he was arrested for Drugged Driving. He spent three days in the hospital for unrelated health issues.

During a three-day trial last week, a toxicologist testified for the people, as did two witnesses and three CHP officers. The jury found him guilty of driving under the influence, being under the influence of a drug and driving without a license.

He was sentenced to 30 days in custody, which the judge stayed, 10 days of public works service and five years' probation; fined \$2,133; and ordered to attend a MADD victim impact panel and participate in a three-month first-conviction program. In addition, his driver license was suspended for six months.

The City Attorney's Office receives all misdemeanor DUI arrest reports occurring within Poway, 4-S Ranch and the City of San Diego, except its South Bay communities. Garrot works with the State's Traffic Safety Resource Protector Program to expand knowledge and resources in the office and throughout the county through training programs with law enforcement personnel.

The San Diego City Attorney's Office has a conviction rate of more than 99 percent when it prosecutes DUI cases, but prosecution techniques are not yet as sophisticated for Drugged Driving cases as they are for ones where alcohol is the sole factor. The City Attorney's Office is fast becoming a leader in prosecution techniques for these cases due, in large part, to the work being done under the federal grant.

“Taylor’s expertise in prosecuting these cases helps not only our office, but other law enforcement agencies deal with the growing problem of drug-impaired driving,” City Attorney Jan Goldsmith said. **“Each year our county experiences thousands of serious injuries and deaths caused by motorists impaired by drugs and alcohol, and his work is keeping dangerous drivers off our streets.”**

The \$263,000 grant comes from the California Office of Traffic Safety through the National Highway Traffic Safety Administration.

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